srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8112 OF 2006.

Mr. Kamalprasad D. Harijan & Ors. ..Petitioners.

V E R S U S

Janata Roadways Pvt. Ltd & Ors. ..Respondents.

Mr. M. B. Kotak for the petitioner.
Mr. J. S. Chandani for respondent no.2.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.
DATE: SEPTEMBER 3, 2007.

P.C.

1. Heard learned counsel for the petitioner. By this petition the petitioner seeks a direction that the amount awarded to him by the Commissioner for Workmens' Compensation by order dated 1st July 2005 be ordered to be paid to him.

2. Learned counsel for the respondent submits that the appeal against the award passed by the Commissiner for Workmens Compensation is challenged by the respondents by filing First Appeal (St.) No. 30676 of 2007 and in Civil Application No. 225 of 2007 made therein this Court has permitted the petitioner to withdraw Rs. 1 lac on furnishing adequate security to the satisfaction of the learned Commissiner. Since the matter is already pending in appeal before this Court we cannot give permission to withdraw the money in this petition. The Petitioner is at liberty to move the Bench hearing the appeal for the appropriate orders. With these observations writ petiton is rejected.

(D.G.KARNIK, J.) (S.B.MHASE, J.)